

COMPLETE WITHDRAWAL

ERISA ERISA §4203

ERISA §4:

ER420

**ERISA****[¶ER4203-0] ERISA §4203. [29 USC §1383] Complete withdrawal.****(a) Determinative factors.**

For purposes of this part [29 USC §§1381 et seq.], a complete withdrawal from a multiemployer plan occurs when an employer--

- (1) permanently ceases to have an obligation to contribute under the plan, or
- (2) permanently ceases all covered operations under the plan.

**(b) Building and construction industry.**

(1) Notwithstanding subsection (a), in the case of an employer that has an obligation to contribute under a plan for work performed in the building and construction industry, a complete withdrawal occurs only as described in paragraph (2), if—

- (A) substantially all the employees with respect to whom the employer has an obligation to contribute under the plan perform work in the building and construction industry and
- (B) the plan—
  - (i) primarily covers employees in the building and construction industry, or
  - (ii) is amended to provide that this subsection applies to employers described in paragraph.

(2) A withdrawal occurs under this paragraph if—

- (A) an employer ceases to have an obligation to contribute under the plan, and
- (B) the employer—
  - (i) continues to perform work in the jurisdiction of the collective bargaining agreement of the type for which contributions were previously required, or
  - (ii) resumes such work within 5 years after the date on which the obligation to contribute under the plan ceases, and does not renew the obligation at the time of resumption.

(3) In the case of a plan terminated by mass withdrawal (within the meaning of section 401A(a)(2) [29 USC §1341a(a)(2)]), paragraph (2) shall be applied by substituting "5 years" for "5 years" in subparagraph (B)(ii).

**(c) Entertainment industry.**

(1) Notwithstanding subsection (a), in the case of an employer that has an obligation to contribute under a plan for work performed in the entertainment industry, primarily temporary or project-by-project basis, if the plan primarily covers employees in the entertainment industry, a complete withdrawal occurs only as described in subsection (2), applied by substituting "plan" for "collective bargaining agreement" in subparagraph (B)(i) thereof.

(2) For purposes of this subsection, the term "entertainment industry" means—

- (A) theater, motion picture (except to the extent provided in regulations prescribed by the corporation), radio, television, sound or visual recording, music, and dance, and
- (B) such other entertainment activities as the corporation may determine to be appropriate.

(3) The corporation may by regulation exclude a group or class of employers described in the preceding sentence from the application of this subsection if the corporation determines that such exclusion is necessary—

- (A) to protect the interest of the plan's participants and beneficiaries, or
- (B) to prevent a significant risk of loss to the corporation with respect to the plan.